



# NEWS

Judicial Council of California  
ADMINISTRATIVE OFFICE OF THE COURTS  
Public Information Office  
(415) 865-7740  
Lynn Holton, Public Information Officer

Release Date: February 21, 2001

Release Number: S.C. 07/01

## SUMMARY OF CASES ACCEPTED DURING THE WEEK OF FEBRUARY 12, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-11 People v. Cooper, S092882. (A087483; 84 Cal.App.4th 749.) Petition for review after the Court of Appeal modified sentence and otherwise affirmed a judgment of conviction of a criminal offense. The court limited review to the issue of whether the 15 percent limitation on pretrial custody credits contained in Pen. Code section 2933.1, subdivision (c), applies when sentence is imposed under Pen. Code section 190 as that provision read before its amendment as of June 3, 1998. (See Prop. 222, as approved by voters, Primary Elec. (June 2, 1998).)

#00-12 Nafsu v. Hurd, S094002. (D035536; 84 Cal.App.4th 1103.) Petition for review after the Court of Appeal reversed a judgment of dismissal of a civil action. This case concerns whether the litigation privilege of Civil Code section 47, subdivision (b), bars a cause of action for rescission of a settlement agreement based on an allegation that the settlement agreement was the product of misrepresentations during settlement negotiations as to the amount of insurance policy limits.

#01-13 Hardy on Habeas Corpus, S093694. Original proceeding. In this case, which is related to the automatic appeal in People v. Hardy, 2 Cal.4th 86, the court issued

(over)

an order to show cause limited to claims of actual innocence, third party culpability, and ineffective assistance of counsel for failure to present evidence of innocence.

#01-14 Loevner v. Internet Shopping Network, S093823. (H020842.)

Unpublished opinion. Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration. The court ordered briefing deferred pending decision in First America Automotive, Inc. v. Sweeney, S087894 (#99-67), which concerns whether state law providing that an action for unpaid wages may be brought by an employee before the Labor Commissioner without regard to the existence of an arbitration agreement (Lab. Code, § 229) is preempted by the Federal Arbitration Act and in which briefing has been deferred pending decision of the United States Supreme Court in Circuit City Stores, Inc. v. Adams, 99-1379.

#01-15 People v. McCord, S093602. (G025064.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Willis, S079245 (#99-125), which includes the issue whether the good faith exception set forth in United States v. Leon (1984) 468 U.S. 897 prevents exclusion of evidence obtained during a parole search based on erroneous information supplied to police that appellant was on parole.

#01-16 Williams v. Airport Century Inn, Ltd., S093578. (B139729.)

Unpublished opinion. Petition for review after the Court of Appeal reversed a summary judgment in a civil action. The court ordered briefing deferred pending decision in Saelzler v. Advanced Group 400, S085736 (#00-37), which concerns the proper standard for determining whether there is a triable issue as to whether the failure of a property owner to provide security was a contributing cause of an injury sustained as a result of a crime committed on the premises and whether the required element of causation may be proved through expert testimony.

#